

**IDAPA 08 - STATE BOARD OF EDUCATION
DEPARTMENT OF EDUCATION**

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0804

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105 and 33-107 Idaho Code, and Section 33-1280, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

TUESDAY - OCTOBER 21, 2008 - 1:00 pm

**STATE DEPARTMENT OF EDUCATION
Lewis & Clark Conference Room
Len B. Jordan Building, 2nd Floor
650 West State Street, Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change outlines procedures for native language certification through Tribal governments, State Department of Education Office of Indian Education and Office of Certification. Certification procedures are similar to standard teacher certification although approval must also be given by the Tribe(s) and SDE Indian Education Coordinator. Process includes fingerprinting and criminal history check.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Section 33-130, Idaho Code, requires a \$40 fee for a criminal history check (CHC) for all applicants for certification, school district employees, and anyone with unsupervised contact with students in the K-12 setting. The criminal history check and corresponding fee apply to applicants seeking certification to teach American Indian Languages.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Sections 67-5220, Idaho Code, informal negotiated rulemaking was conducted. The rulemaking was initiated through meetings with members from Idaho's tribal governments.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Mary Jane Oatman Wak-Wak (208) 332-6968.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 18th day of August, 2008.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State St, 2nd Floor
PO Box 83720
Boise, ID 83720-0027
(208) 332-6812; f ax (208) 334-2228

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0804

025. ~~NATIVE~~ AMERICAN INDIAN LANGUAGE (SECTION 33-1280, IDAHO CODE).

Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. ~~Upon receiving the names of American Indian languages teachers designated by an Indian tribe, the State Department of Education shall authorize those individuals~~ Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. ~~(3-16-04)~~()

01. Process the Application. The Office of Indian Education at the State Department of Education will process an application that has met the requirements of the Tribe(s) for an American Indian languages teacher. ()

02. Approval Has Been Received. Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten finger fingerprint card or scan and a forty dollar (\$40) fee for undergoing a criminal history check pursuant to Section 33-130, Idaho Code. ()

03. Office of Certification. The Office of Certification will review the application and verify the applicant is eligible for an Idaho American Indian Certificate. The State Department of Education shall authorize an eligible applicant as an American Indian languages teacher. An Idaho American Indian Certificate is valid for not more than five (5) years. Individuals may apply for a renewal certificate. ()